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9 **UNITED STATES DISTRICT COURT**
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11 **NORTHERN DISTRICT OF CALIFORNIA**

12 IN RE: SOCIAL MEDIA ADOLESCENT
13 ADDICTION/PERSONAL INJURY
14 PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

15 This Document Relates to:
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ALL LOCAL GOVERNMENT AND
SCHOOL DISTRICT ACTIONS

CASE MANAGEMENT ORDER NO. 10:

**[PROPOSED] STIPULATED
IMPLEMENTATION ORDER
GOVERNING ADOPTION OF MASTER
COMPLAINT (LOCAL GOVERNMENT
AND SCHOOL DISTRICT) AND
SHORT-FORM COMPLAINTS FOR
FILED CASES**

19 **I. APPLICABILITY AND SCOPE OF ORDER**

20 1. This Implementation Order (“Order”) applies only to Local Government Entities
21 and School Districts, including school districts, municipalities, county district attorneys, and
22 counties, who have asserted or seek to assert claims related to Defendants’ social media platforms
23 (“Local Government and School District Plaintiffs”) consistent with the scope of the October 11,
24 2022 Transfer Order initiating these MDL proceedings and the November 16, 2023 and November
25 21, 2023 Orders establishing a separate motion to dismiss briefing track and subcommittee for
26 claims brought by Local Government and School District Plaintiffs.¹ See ECF Nos. 450, 451. No

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28 ¹ This Order does not apply to government entity cases filed by a State Attorney General or to personal injury cases.

1 claims by Local Government and School District Plaintiffs may be asserted in current or future
 2 filed cases in this MDL other than pursuant to the terms of this Order. This Order applies to cases
 3 directly filed in this MDL and those transferred, removed, or otherwise assigned to this proceeding
 4 (collectively, “this MDL proceeding”). This Order is binding on all Parties and their counsel in all
 5 such cases. This Order is not intended to alter the applicable provisions of the Federal Rules of
 6 Civil Procedure or the Local Rules of this Court, except as specified herein or in any subsequent
 7 Pretrial Order. Defendants preserve all defenses, including jurisdictional and venue challenges, to
 8 any claims brought in this MDL pursuant to this Order.

9 **II. MASTER PLEADINGS**

10 **A. MASTER COMPLAINT (LOCAL GOVERNMENT AND SCHOOL**
DISTRICT PLAINTIFFS)

11 2. **Timing.** Pursuant to a Minute Order entered on November 16, 2023,² the Local
 12 Government and School District Plaintiffs’ Steering Committee (PSC) filed a *Plaintiffs’ Master*
 13 *Complaint (Local Government and School District Plaintiffs)* (“Master Complaint”) on December
 14 18, 2023.

15 3. **Effect of Master Complaint.** All claims pleaded in the *Master Complaint* will
 16 supersede and replace all claims for a Local Government and School District Plaintiff in any action
 17 pending in this MDL, except for those claims separately asserted in the Short-Form Complaint per
 18 the below. Nothing in this Order shall preclude the PSC from seeking leave to amend the *Master*
 19 *Complaint* as provided in the Federal Rules of Civil Procedure or preclude any Defendant from
 20 opposing such leave.

21 **B. SHORT-FORM COMPLAINT**

22 4. Attached as **Exhibit A** to the *Master Complaint* and this Order is a template form
 23 *Short-Form Complaint* (“SFC”) for use by Local Government and School District Plaintiffs in
 24 current and future-filed cases in this MDL.

25 5. The SFC is an abbreviated form that each individual Local Government and School
 26 District Plaintiff will complete, indicating their individual claims, the Defendants against whom

28 ² Dkt. 450.

1 they are bringing those claims, and adopting the applicable factual allegations set forth in the
 2 *Master Complaint* as the basis for those individual claims plus any additional factual allegations
 3 the Local Government and School District Plaintiff includes in their SFC. Each Local Government
 4 and School District Plaintiff who claims injury arising from Defendants' platforms shall file a
 5 separate SFC setting forth their individual claims. By this process, all allegations applicable to the
 6 specific Defendants named in the SFC that are set forth in the *Master Complaint* shall be deemed
 7 pleaded against those Defendants.

8 6. For each such action by a Local Government and School District Plaintiff, the
 9 *Master Complaint* (and any subsequent amendments) and the SFC (and any subsequent
 10 amendments) shall be deemed the Plaintiff's operative Complaint.

11 7. Each SFC filed in this MDL proceeding shall indicate the federal district where the
 12 individual Plaintiff(s) originally filed or would have originally filed their Complaint.

13 8. The procedures for filing the *Master Complaint* and the SFC do not reflect that the
 14 Defendants have agreed to or admitted the allegations set forth in those pleadings, nor have the
 15 Defendants conceded or waived their right to dispute the legal validity of the claims alleged therein.

16 9. **Timing and Effect of Filing Short Form Complaints**

17 a. **Complaints Transferred, or in the Process of Being Transferred, to this**
 18 **MDL Before the Filing of this Order:** Any Local Government and School District Plaintiff whose
 19 Complaint was transferred to this MDL or was in process of being transferred to this MDL before
 20 the date of filing this Order must file a SFC in their individual case, referencing their individual
 21 docket number to avoid the triggering of a filing fee, by January 30, 2024 or 14 days after entry of
 22 this Order, whichever is later. For purposes of statutes of limitations and statutes of repose, any
 23 such Local Government and School District Plaintiff shall be deemed to have filed their Complaint
 24 as of the date they filed their original Complaint, and not the date of the *Master Complaint* or the
 25 date they filed the SFC. Nothing in this Order or the filing of a SFC shall be construed as a prior
 26 dismissal or amendment of a prior Complaint, but the prior Complaint shall no longer be deemed
 27 the operative Complaint.

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b. All Other Local Government and School District Complaints

c. No Multi-Plaintiff Local Government and School District Complaints:

19 Each Local Government and School District Plaintiff must have an individual Complaint on file.
20 Any Local Government and School District Plaintiff who asserts claims in a multi-plaintiff
21 Complaint that is pending or that is subsequently transferred to this MDL must file an individual
22 SFC by January 30, 2024, or 14 days after entry of this Order, whichever is later, or 20 days from
23 the date that the Court posts the applicable Transfer Order on its docket.

III. RESPONSE TO MASTER COMPLAINT AND SHORT-FORM COMPLAINTS

25 10. To eliminate potential delays and to promote judicial efficiency with respect to the
26 administration of this MDL proceeding, all SFCs filed in this MDL proceeding are deemed
27 answered and denied, without waiver of any defense or right to move to dismiss, and with full

3 Dkt. 119.

1 preservation of all arguments and defenses that may be raised in any responsive pleading that may
 2 be required by future order of the Court or motion to dismiss.

3 **IV. SERVICE OF PROCESS**

4 **A. SERVICE OF PROCESS OF NEWLY NAMED DEFENDANTS**

5 11. Local Government and School District Plaintiffs may file an action against any
 6 Defendant not named in the current *Master Complaint* ("Newly Named Defendants") directly in
 7 the MDL by using the *Short-Form Complaint*⁴ and the *Master Complaint* which is deemed adopted
 8 into any filed SFC.

9 12. By this Order, Local Government and School District Plaintiffs who name any
 10 *Newly Named Defendant* in their SFC may effectuate service of process on each *Newly Named*
 11 *Defendant* by serving upon each *Newly Named Defendant* named in the SFC, in accordance with
 12 Rule 4 of the Federal Rules of Civil Procedure with the following:

13 a. a copy of the *Master Complaint*;
 14 b. the SFC;
 15 c. a copy of this Order; and,
 16 d. a Summons.

17 13. The right of Defendants and *Newly Named Defendants* to challenge jurisdiction and
 18 venue are hereby preserved and explicitly not waived by Plaintiffs' direct filing of SFCs.

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⁴ See ¶¶ 7, 9 of the SFC.

1 **B. SERVICE OF PROCESS OF THE DEFENDANTS NAMED IN THE**
 2 **CURRENT MASTER COMPLAINT**

3 14. CMO-4, Section II (G), is amended [see ECF No. 177, at ¶ 14] as follows: the
 4 Defendants Meta Platforms, Inc., *formerly known as Facebook Inc.*; Instagram, LLC; Facebook
 5 Operations, LLC; Facebook Payments, Inc.; Siculus, Inc.; Meta Platforms Technologies, LLC;
 6 Meta Payments, Inc.; Whatsapp Inc.; Snap Inc.; ByteDance, Inc.; TikTok, Inc; ByteDance Ltd.;
 7 TikTok Ltd.; TikTok LLC; YouTube, LLC; and Google LLC agree to waive formal service of
 8 summons pursuant to Rule 4 of the Federal Rules of Civil Procedure. Please note that a Plaintiff
 9 that is serving a SFC, Summons, and Civil Cover Sheet is not required to serve a copy of the *Master*
 10 *Complaint* upon the currently named Defendants.

11 15. MDL Centrality will provide a mechanism for Plaintiffs to upload and serve copies
 12 of the Complaint, Summons, and Civil Cover Sheet that were Electronically Filed with the Court
 13 on Defendants. MDL Centrality is accessible at www.mdlcentrality.com/socialmedia. Each
 14 Plaintiff, through counsel or *pro se*, may obtain authorized usernames and secure login passwords
 15 to permit the use of MDL Centrality by emailing socialmedia@browngreer.com.

16 16. Plaintiffs must upload the file-stamped version of the SFC and a fillable PDF version
 17 of the SFC to MDL Centrality on the same day that the SFC is filed with the Court. Service on
 18 Defendants shall be deemed to occur when the submitting party has received the MDL Centrality
 19 confirmation report that the materials have been successfully submitted to Defendants.

20 17. For any SFC filed *on or before* the date of this Order, a file-stamped copy of the
 21 Short Form Complaint must be uploaded to MDL Centrality within fourteen (14) days of the date
 22 of this Order. Additionally, if counsel possesses a fillable PDF version of any previously filed Short
 23 Form Complaint, the fillable PDF version must also be uploaded to MDL Centrality by this date.

24 18. Plaintiffs shall make proof of electronic service to the Court as required by Rule
 25 4(l)(1) of the Federal Rules of Civil Procedure. Plaintiffs may use the MDL Centrality report to
 26 demonstrate proof of service.

27 19. In the event a Plaintiff intends to name a Defendant not listed above, the Plaintiff
 28 must serve the unlisted Defendant by the methods of service prescribed by the Federal Rules of

1 Civil Procedure.

2 20. For all SFCs filed in, removed to, or transferred to this MDL: (i) all requests for
3 issuance of summons shall be made in the underlying constituent case, and not through the MDL
4 Master Docket File; (ii) all proofs of service shall be filed only in the underlying constituent case
5 and not in the MDL Master Docket File. Acceptance of electronic service shall not constitute a
6 waiver of any defense, and all defenses are preserved pursuant to Paragraph I(1).

7 **IT IS SO ORDERED,**

8 Dated: _____, 2024

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10 YVONNE GONZALEZ ROGERS
11 UNITED STATES DISTRICT JUDGE
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